COUNTY OF LOS ANGELES

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MARY C. WICKHAM
County Counsel

August 12, 2020

VIA EMAIL

Natalie Brunell
Spectrum News
Natalie.Brunell@charter.com

Re: California Public Records Act Request on July 13, 2020

Dear Natalie Brunell:

This is in response to your California Public Records Act ("CPRA") request addressed to Department of Public Health ("Department") on July 13, 2020. Specifically, you requested:

- "The first 5 e-mails TO Dr. Barbara Ferrer containing the term 'COVID'
- The first 5 e-mails FROM Dr. Barbara Ferrer containing the term 'COVID.'"

On July 23, 2020, our office contacted you and indicated that a 14-day extension of time was needed to coordinate efforts to search, collect, and appropriately examine responsive records. Our office has determined there are records responsive to your request that are being produced in conjunction with this correspondence. However, to the extent that we have determined that any portion of your request applies the following exemptions to the CPRA, such records are exempt from disclosure:

1. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy. (Government Code § 6254 (c))

2. Records where the facts of the particular case dictate that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record. Government Code section 6255 allows an agency to withhold a record by demonstrating that, on the facts of the particular case, "the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." (*CBS Broadcasting, Inc. v. Superior Court* (2001)91 Cal.App.4th 892; *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325.)

3. Records and information which are exempted or prohibited from disclosure pursuant to Federal or State law, including the Health Insurance Portability and Accountability Act of 1996; the California Medical Information Act, under Government Code section 6254(k); and the Official Information privilege under Evidence Code section 1040;

4. Preliminary drafts, notes, or interagency or intra-agency memorandum that are not retained by the public agency in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure. (Government Code § 6254 (a)); and

5. Records and communications which are protected by the deliberative privilege held by the Department's Director Dr. Barbara Ferrer. Government Code section 6255 permits the government agency to withhold a record if it can demonstrate that "on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." The deliberative process privilege is, in turn, derived from that public interest exemption. (*Times Mirror Co.*, 53 Cal.3d at 1338.) The privilege is intended to address concerns that open discussion of policy matters might be impeded if subject to public scrutiny. (Ibid.) Moreover, the deliberative process privilege espouses the idea that access to across-the-board opinions and the ability to seek all points of view, and to discuss policies in confidence, are crucial to effective governance in a representative democracy. (Ibid.)

This will be our final correspondence for this request. In providing you with this response, the Department and the County of Los Angeles are not waiving any rights to defenses, or claims of privilege, exception or exemption under CPRA or any other statutes.

Thank for your cooperation in this matter.

Very truly yours,

MARY C. WICKHAM
County Counsel

By Hannah Flores
HANNAH FLORES
Associate County Counsel
Affirmative Litigation & Consumer
Protection Division

APPROVED AND RELEASED:

pr LAWRENCE L. HAFETZ
Chief Deputy

HF:fg

Attachment

Attachment

From: Barbara Ferrer
To: Luz Moya
Subject: FW: COVID-2019 Update - WED 12FEB2020
Date: Wednesday, February 12, 2020 10:04:00 AM
Attachments: [redacted]

Can you print the attachments for me? Thanks.

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

[redacted]

- [redacted]
- [redacted]

From: Barbara Ferrer
To: Sharon Balter; Jeffrey Gunzenhauser; Muntu Davis
Subject: FW: Please Register - COVID 19- National Call, Feb. 14th
Date: Thursday, February 13, 2020 2:50:00 PM

I am tied up in meetings with Board Supervisors tomorrow morning and can't get on this call. Can someone get on for us?

From: Stevens, Lee (OS/IEA) <Lee.Stevens@hhs.gov>
Sent: Thursday, February 13, 2020 2:39 PM
To: Johnston, Darcie (HHS/IEA) <Darcie.Johnston@hhs.gov>; Stevens, Lee (OS/IEA) <Lee.Stevens@hhs.gov>
Subject: Please Register - COVID 19- National Call, Feb. 14th

CAUTION: External Email. Proceed Responsibly.

State and Local Leaders,

Please join us for a national briefing call **TOMORROW, Friday, February 14 at 1:45 p.m. Eastern Time** on the President's Coronavirus Task Force **(Please register, see link below).** The national briefing call will include updates from the U.S. Department of Health & Human Services and Centers for Disease Control & Prevention (CDC) along with our Federal partners at U.S. Department of Homeland Security, U.S. Department of Transportation, and the State Department. This national briefing call will provide an update from the Federal government and our ongoing partnership with State and local jurisdictions.

Additional Information

You can find more information and resources at the CDC website here: https://www.cdc.gov/coronavirus/.
ICYMI – USA Today: Our Coronavirus Response Is Protecting Americans (see full Op-Ed below)

Briefing Call Details

Date: Friday, February 14
Time: 1:45 p.m. Eastern Time
Call-In Information: LINK *(Participants will receive instructions on accessing the conference after RSVPing to the link)*

Thanks,

Darcie Johnston, Director
Office of Intergovernmental Affairs
U.S. Department of Health and Human Services
(202) 853-0582

ICYMI - Our Coronavirus Response Is Protecting Americans

USA Today

By Secretary of State Mike Pompeo and HHS Secretary Alex Azar
February 11, 2020
Link to op-ed here.

The first duty of the federal government is to keep our citizens safe. Since the United States first became aware on Dec. 30 of what has become known as the novel coronavirus, America's public health officials have closely monitored the situation, worked to understand the virus and taken steps to limit Americans' exposure to it.

Our task force is ensuring that our whole of government, layered, public health plan has the resources necessary to protect Americans. We've treated the sick, and traced back their travel history and contacts to minimize the spread of the virus. We've worked swiftly to screen and safely receive American travelers returning from China, and bar foreign travelers who have recently visited the epicenter of the outbreak.

Consistent with the World Health Organization International Health Regulations, our travel restrictions were intentionally devised to complement the Chinese government's policy of isolating approximately 50 million of its own citizens in Hubei province. Other nations, such as Italy and South Korea, have taken similar measures.

Our efforts in China

Thus far, the United States has only had 12 confirmed cases of the virus. We were saddened to hear last week that one American, a 60-year-old woman in Wuhan, China, has died. But we're undeterred in our vigilance to protect our people. And we're mobilizing resources around the world to help other nations fight the disease, too. This is American altruism at its finest.

Let's start with our efforts focused on the country where the virus first appeared — China. In the words of President Donald Trump, "We're offering them tremendous help." During the first week of January, the Centers for Disease Control and Prevention made an offer of assistance in order to understand the disease and help bolster response efforts.

The Department of Health and Human Services subsequently provided to the WHO a list of world-class medical professionals ready to deploy their skills in China and learn from China's efforts to combat this new coronavirus. In the last week of January, Secretary Azar personally extended an offer of help to Health Minister Ma Xiaowei; Secretary Pompeo did the same with Chinese State Councilor Yang Jiechi. We hope the mission will commence immediately, whether bilaterally or under the auspices of the WHO.

We've also facilitated the delivery of vast amounts of medical supplies to the Chinese people. Just last week, the State Department helped transport 17.8 tons of relief supplies to Hubei. And more assistance will continue to be offered — the United States is prepared to spend up to $100 million in existing State and U.S. Agency for International Development funds to assist China and other impacted countries to contain and combat the virus.

While State managed the logistics, the donations themselves were provided by Samaritan's Purse,

Boeing, Intermountain Healthcare and The Church of Jesus Christ of Latter-day Saints, and coordinated by a nongovernmental organization called Project HOPE. Time and again, when diseases and disasters strike, the American people have stepped up to help citizens of other countries without being asked. Our robust charitable giving and enthusiastic civil society groups are channeling the American people's concern for their fellow man.

Cooperation with other nations

Then there are America's actions to help the citizens of other countries, beyond China. CDC staff based in more than 60 countries are working closely with ministries of health and other health partners, often in conjunction with their colleagues at the State Department and other federal agencies.

For instance, the United States has made coronavirus test kits available to 191 qualified laboratories around the world; so far, labs from 36 countries have put in orders. We've deployed staff to train health professionals in 15 hospitals in Vietnam. In Kenya, health experts at the U.S. Embassy in Nairobi, as part of our Infectious Diseases Task Force, engaged the government early on to recommend best practices in airport screening and public health.

Our quick and effective reaction abroad is facilitated by partnerships that America has carefully nurtured over decades — long before the latest outbreak.

We believe our actions will slow the transmission of the virus to and within the United States and other countries, solidify our ties of friendship with our allies and partners, and help save lives by giving us more time to refine preparedness measures and better understand the virus.

We all hope that our concerted efforts will control the virus and cause it to subside. But the world doesn't need to wait for that day to see how America remains a force for good throughout the globe.

From: Barbara Ferrer
To: Christy Rentmeester
Cc: Megan McClaire
Subject: RE: health equity
Date: Thursday, February 13, 2020 7:24:00 PM

Thanks much Christy and I am honored to submit. Any possibility to extend the date until mid-April? I am swamped managing the response to COVID-19.